

1 ANDRÉ BIROTTE JR.
United States Attorney
2 ROBERT E. DUGDALE
Assistant United States Attorney
3 Chief, Criminal Division
STEVEN R. WELK
4 Assistant United States Attorney
Chief, Asset Forfeiture Section
5 VICTOR A. RODGERS
California Bar No. 101281
6 Assistant United States Attorney
Asset Forfeiture Section
7 Federal Courthouse, 14th Floor
312 North Spring Street
8 Los Angeles, California 90012
Telephone: (213) 894-2569
9 Facsimile: (213) 894-7177
E-mail: Victor.Rodgers@usdoj.gov

10 Attorneys for Plaintiff
11 UNITED STATES OF AMERICA

12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
14 WESTERN DIVISION

15 UNITED STATES OF AMERICA,)
16 Plaintiff,)
17 v.)
18 \$34,868.00 IN U.S.)
19 CURRENCY,)
20 Defendant.)

CV 11-06028 CBM (CW)

NO. COMPLAINT FOR FORFEITURE

18 U.S.C. § 981(a)(1)(A) & (C)
[FBI]

21
22
23 Plaintiff United States of America brings this claim against
24 defendant \$34,868.00 in U.S. Currency, and alleges as follows:

25 JURISDICTION AND VENUE

26 1. The government brings this in rem forfeiture action
27 pursuant to 18 U.S.C. § 981(a)(1)(A) & (C).
28

BY: _____

CLERK OF DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

11 JUL 21 PM 2:50

FILED

1 2. This Court has jurisdiction over the matter under 28
2 U.S.C. §§ 1345 and 1355.

3 3. Venue lies in this district pursuant to 28 U.S.C. § 1395.

4 PERSONS AND ENTITIES

5 4. The plaintiff in this action is the United States of
6 America.

7 5. The defendant in this action is \$34,868.00 in U.S.
8 Currency (the "defendant currency") seized on or about February 16,
9 2011 during the execution of a federal search warrant at a
10 residence in Glendale, California.¹

11 6. The defendant currency was seized by the Federal Bureau
12 of Investigation (the "FBI") and is currently in the custody of the
13 United States Marshals in this district, where it will remain
14 subject to this Court's jurisdiction during the pendency of this
15 action.

16 7. The interests of Vardan Amirkhanyan, Vigen Amirkhanyan,
17 Vache Amirkhan and Rima Aghababyan may be adversely affected by
18 these proceedings.

19 BASIS FOR FORFEITURE

20 8. On or about January 26, 2011, an Indictment was filed in
21 the Central District of California which charged Vardan Amirkhanyan
22 and numerous other defendants with, among other things, access
23 device fraud, identity theft and bank fraud. See United States v.
24 Darbinyan, et al., Case No. CR 11-00072-DDP. The government
25 incorporates by reference the allegations set forth in the
26 / / /

27 _____
28 ¹Pursuant to Local Rule 79-5.4, the street addresses of personal
residences have been omitted from this Complaint.

1 Indictment, as though those allegations were set forth herein at
2 length.

3 FIRST CLAIM FOR RELIEF

4 9. Plaintiff incorporates the allegations of paragraphs 1-8
5 above as though fully set forth herein.

6 10. Based on the above, plaintiff alleges that the defendant
7 currency constitutes or is derived from proceeds traceable to
8 violations of 18 U.S.C. §§ 1028 (identity theft), 1029 (access
9 device fraud) 1341 (mail fraud), 1343 (wire fraud) and/or 1344
10 (bank fraud), each of which is a specified unlawful activity as
11 defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(B). The
12 defendant currency is therefore subject to forfeiture pursuant to
13 18 U.S.C. § 981(a)(1)(C).

14 SECOND CLAIM FOR RELIEF

15 11. Plaintiff incorporates the allegations of paragraphs 1-8
16 above as though fully set forth herein.

17 12. Based on the above, plaintiff alleges that the defendant
18 currency constitutes property involved in multiple transactions or
19 attempted transactions in violation of 18 U.S.C.
20 §§ 1956(a)(1)(A)(i) or 1956(a)(1)(B)(i), or property traceable to
21 such property, with the specified unlawful activity being
22 violations of 18 U.S.C. §§ 1028, 1029, 1341, 1343 and/or 1344. The
23 defendant currency is therefore subject to forfeiture pursuant to
24 18 U.S.C. § 981(a)(1)(A).

25 WHEREFORE, plaintiff United States of America prays that:

26 (a) due process issue to enforce the forfeiture of the
27 defendant currency;

28 / / /

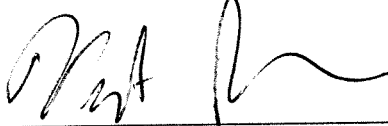
1 (b) due notice be given to all interested parties to appear
2 and show cause why forfeiture should not be decreed;

3 (c) this Court decree forfeiture of the defendant currency to
4 the United States of America for disposition according to law; and

5 (d) for such other and further relief as this Court may deem
6 just and proper, together with the costs and disbursements of this
7 action.

8 DATED: July 21, 2011

9 ANDRÉ BIROTTE JR.
United States Attorney
10 ROBERT E. DUGDALE
Assistant United States Attorney
11 Chief, Criminal Division
STEVEN R. WELK
12 Assistant United States Attorney
Chief, Asset Forfeiture Section

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15 VICTOR A. RODGERS
Assistant United States Attorney

16 Attorneys for Plaintiff
17 UNITED STATES OF AMERICA
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VERIFICATION

I, Victor A. Rodgers, hereby declare that:

1. I am an attorney for the government.

2. I have read the above Complaint for Forfeiture and know the contents thereof.

3. The information contained in the Complaint is either known to me personally, was furnished to me by official government sources, or was obtained pursuant to subpoena. I am informed and believe that the allegations set out in the Complaint are true.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on July 21, 2011 at Los Angeles, California.


Victor A. Rodgers

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Consuelo B. Marshall and the assigned discovery Magistrate Judge is Carla Woehrle.

The case number on all documents filed with the Court should read as follows:

CV11- 6028 CBM (CWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
 UNITED STATES OF AMERICA

DEFENDANTS
 \$34,868.00 IN U.S. CURRENCY

(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases):
 Los Angeles

County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):
 Los Angeles

(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)
 ANDRÉ BIROTTE JR., United States Attorney
 VICTOR A. RODGERS, Assistant United States Attorney
 United States Attorney's Office, California Bar No. 101281
 U.S. Courthouse, 14th Floor, 312 N. Spring Street, Los Angeles, CA
 90012. Telephone: (213) 894-2569, Facsimile: (213) 894-7177

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

☒ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
 (Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. ORIGIN (Place an X in one box only.)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☒ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT: \$** _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 18 U.S.C. § 981(a)(1)(A) & (C)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PERSONAL PROPERTY	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 441 Voting	FORFEITURE / PENALTY	PROPERTY RIGHTS
<input type="checkbox"/> 850 Securities/Commodities /Exchange	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 891 Agricultural Act	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	BANKRUPTCY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 630 Liquor Laws	SOCIAL SECURITY
<input type="checkbox"/> 893 Environmental Matters	REAL PROPERTY	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 210 Land Condemnation		<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 895 Freedom of Information Act	<input type="checkbox"/> 220 Foreclosure			<input type="checkbox"/> 660 Occupational Safety /Health	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 230 Rent Lease & Ejectment			<input checked="" type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 240 Torts to Land				<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 245 Tort Product Liability				FEDERAL TAX SUITS
	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
					<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s):

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM JS-44C, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s) _____

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply) ☐ A. Appear to arise from the same or substantially identical transactions, happenings, or events;

☐ B. Involve the same or substantially the same parties or property;

☐ C. Involve the same patent, trademark or copyright;

☐ D. Call for determination of the same or substantially identical questions of law, or

☐ E. Likely for other reasons may entail unnecessary duplication of labor if heard by different judges.

IX. VENUE: List the California County, or State if other than California, in which EACH named plaintiff resides (Use an additional sheet if necessary)

☒ Check here if the U.S. government, its agencies or employees is a named plaintiff.

Los Angeles

List the California County, or State if other than California, in which EACH named defendant resides. (Use an additional sheet if necessary).

☐ Check here if the U.S. government, its agencies or employees is a named defendant.

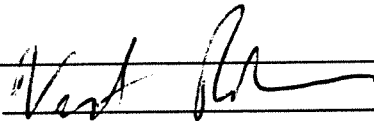
Los Angeles

List the California County, or State if other than California, in which EACH claim arose. (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved.

Los Angeles

X. SIGNATURE OF ATTORNEY (OR PRO PER):



Date 07/21/11

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended, plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))